

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated October 19, 2005 (hereinafter Office Action) have been considered. Claims 1, 2, 4-7, 10-32 and 34-40 remain pending in the application. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Claims 1, 2, 4-7, 10-32 and 34-40 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,950,173 to Perkowski (hereinafter "*Perkowski*").

Applicants respectfully traverse the rejection.

The Applicants respectfully submit that the rejection of Claims 1, 2, 4-7, 10-32 and 34-40 is improper. As set forth in M.P.E.P. §707.07(d), the grounds of rejection are to be fully and clearly stated. As stated in 37 CFR § 1.104:

"In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified."

It is respectfully submitted that the Examiner's reasons for the rejection on pages 2-3 of the Office Action do not fully and clearly indicate which claim recitations, or which of the rejected claims, the various listed items of *Perkowski* pertain to. The Applicants also note that a plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group. M.P.E.P. § 707.07(d). The Examiner has rejected Claims 1, 2, 4-7, 10-32 and 34-40 in a single paragraph which characterizes *Perkowski*, but does not discuss any features recited in Claims 1, 2, 4-7, 10-32 and 34-40. Each of these claims recites different aspects of the invention, and it is unclear from the common rejection which items of the Examiner's listing are purportedly applicable to particular ones of the rejected claims. If the Examiner maintains the rejections, the Applicants request clarification on which parts of the rejection are being applied to each of these claims.

The Applicants respectfully submit that Claims 1, 2, 4-7, 10-32 and 34-40 as previously presented are not anticipated by *Perkowski*. Nonetheless, the Applicants have

amended independent Claims 1, 7, 12, 21, 34, and 39 in order to clarify the subject matter of the claims. Particular claims have been amended to at least set forth that a URL is attached to a particular instance of an asset. The URL is unique to the particular instance of the asset, and may be used to access information uniquely associated with the particular instance of the asset. The Applicants submit that independent Claims 1, 7, 12, 21, 34, and 39, as previously presented and particularly as amended, are not anticipated by *Perkowski*.

To anticipate a claim under 35 U.S.C. 102(b), the cited reference must teach every element of the claim. According to M.P.E.P. § 2131A, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference, and the identical invention must be shown in as complete detail as is contained in the claim. Applicants respectfully submit that *Perkowski* does not teach every element of at least Applicants' independent claims, and therefore fails to anticipate the currently pending claims.

Perkowski is directed to a system for identifying products by their Universal Product Code (UPC), and/or, by trademark, service mark, and/or company name (col. 18, lines 36-40, 49-50). Generally, *Perkowski* is directed to tracking consumer demand that is related to types of products in the supply chain (col. 11, lines 9-12) and providing consumer information related to those types of products by use of the UPC code on those products (col. 11, lines 24-29). However, *Perkowski* does not teach attaching a URL to a particular instance of an asset. *Perkowski* only describe the UPC as being attached to the product (e.g., col. 4, line 9). As *Perkowski* makes clear at col. 18, lines 38-40, a UPC is only an eight or twelve digit number. Therefore, *Perkowski* fails to show, expressly or inherently, a URL attached to a particular instance of an asset, at least because an eight or twelve digit number, by itself, cannot be a URL as this term is known in the art.

Further, *Perkowski* fails to show, expressly or inherently, a URL attached to an instance of an asset that is unique to that instance of the asset. *Perkowski* only describes a UPC attached to a product, and it is well known that a UPC is only unique to products, and not to particular instances of a product. For example, if a store has 20 instances of a product in its inventory, each instance of that product will have the same UPC code.

Therefore the UPC is not unique to the instances of the product. This is evident, for example, in FIG. 4A1 of *Perkowski*, where the “Product Description” column describes products such as “toothpaste” and does not expressly or inherently show anything unique to particular instances of the products, such as particular tubes of toothpaste.

Therefore, Applicants submit that *Perkowski* fails at least to disclose expressly or inherently, a URL (or other network address) attached to an instance of an asset that is unique to that instance of the asset, and thus *Perkowski* fails to anticipate independent Claims 1, 7, 12, 21, 34, and 39. Further, with regard to Claims 1, 7, and 21, *Perkowski* fails to disclose associating information with the URL, wherein the information is recorded in a datastore by an upstream supplier entity. Also, regarding Claims 1, 7, and 12 *Perkowski* fails to disclose associating information with the URL, wherein the information is recorded in a datastore by a downstream supplier entity. In order to prove anticipation, the Examiner has the burden of showing that *Perkowski* discloses the identical invention “in as complete detail as is contained in the patent claim; i.e. every element of the claimed invention must be literally present, arranged as in the claim.” MPEP 2131, quoting *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submits that *Perkowski* does not meet this standard with regard to the interactions of upstream and downstream entities as set forth in the claims.

In the Office Action, the Examiner concludes that

product specifications and operation manuals; product wholesalers and retailers (downstream); product advertisements and promotion; product endorsements; product updates and reviews; product warranty/servicing; related or complementary products; product incentives including rebates, discounts and/or coupons; manufacturer’s annual report and 10K information; electronic stock purchase; etc. Web-based techniques are disclosed for collecting the UPC/URL information from manufacturers (upstream) and transmitting the same to the Internet databases of the system.

However, nowhere does the Examiner show that any of this data is placed in the datastore by entities of a supply chain that have any upstream and/or downstream relation. For example, the mere reference to “product specifications and operation manuals; product wholesalers and retailers” is insufficient to anticipate a downstream supply chain entity that receives a product as set forth in Claims 1, 7, and 12, and there is no reference to any of

these so-called downstream entities entering data into the datastore. Therefore Claims 1, 7, 12, 21 are allowable over *Perkowski* for these additional reasons.

In addition, with regard to Claim 7, the Examiner did not demonstrate that *Perkowski* discloses data being recorded by an upstream entity that is associated with an instance of a first asset and data being recorded by a downstream entity that is associated with an instance of a second asset, wherein the instance of the second asset possesses the instance of the second asset as a constituent. The Applicants submit that *Perkowski* fails to teach these aspects of Claim 7. In the Office Action, the Examiner states that “[i]nherent in the related products are components of a product that are sold separately.” First, the Applicants note that this does not address the language used in the Claims, as nowhere in the claims are the terms “related products” nor “components of a product that are sold separately” used. Second, the Applicants disagree with the assertion that this characteristic is inherent. As stated in *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999) (citations omitted):

To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient. (emphasis added)

Thus, to establish that *Perkowski* inherently teaches “related products”, the Examiner must establish that it is clear that these recitations are necessarily present in the system of *Perkowski*, and that persons of ordinary skill would recognize that *Perkowski*’s system includes this claimed feature. The Applicants respectfully submit that the expressly missing recitations are not necessarily present in *Perkowski*.

As to Claim 34, the Examiner has not demonstrated that *Perkowski* discloses a URL encoded upon a medium attached to a particular instance of an asset, nor does *Perkowski* disclose this recitation, either expressly or inherently. As to Claim 39, the Examiner has not demonstrated that *Perkowski* discloses a datastore configured and arranged to store information related to a particular instance of the asset as an information set, nor has the Examiner demonstrated that *Perkowski* discloses a webpage being uniquely associated with

a network address attached to and unique to the particular instance of the asset. Applicants submit that *Perkowski* does not disclose these recitations, either expressly or inherently. Therefore, Claims 34 and 39 are allowable over *Perkowski* for these additional reasons.

Applicants thus respectfully submit that independent Claims 1, 7, 12, 21, 30, 34 and 39 are not anticipated by *Perkowski*, and are in condition for allowance. Dependent Claims 2, 4-6, 10-11, 13-20, 22-29, 31-32, 35-38, and 40, are dependent from independent Claims 1, 7, 12, 21, 30, 34, and 39 respectively. The particular limitations in these claims were not specifically addressed in the Office Action, and therefore the Applicants submit these rejections are improper under M.P.E.P. § 707.07(d). Further, the Applicants respectfully submit that *Perkowski* fails to teach the features identified in these claims. To the extent that some of the dependent claim features were addressed, the Applicants do not acquiesce with the particular rejections to these dependent claims, including any assertions of inherency. In any event it is believed that these rejections are moot in view of the remarks made in connection with independent Claims 1, 7, 12, 21, 30, 34, and 39. These dependent claims include all of the limitations of the base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. Therefore, dependent Claims 2, 4-6, 10-11, 13-20, 22-29, 31-32, 35-38, and 40 are also in condition for allowance

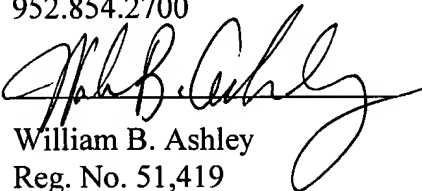
Authorization is given to charge Deposit Account No. 50-3581 (HONY.030PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned agent of record invites the Examiner to contact him at to discuss any issues related to this case.

Respectfully submitted,

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